



MEMORANDUM

Date: November 27, 2012

To: President, Vice-President, Council and Mayor

From: Jeff Naftal, Borough Manager 

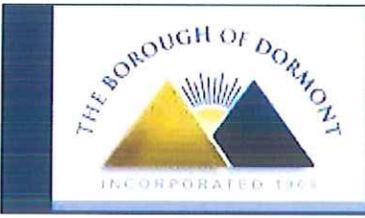
Subject: December Business Meeting Updates

Attached to this memorandum are the various items updating the December 3, 2012 Business Meeting agenda. These are from the discussions at this past Monday's Agenda Meeting.

1. Revised Agenda: This Agenda includes all of the items to be voted on or discussed at the Business Meeting and should be placed in front of your binder.
2. There will now be an Executive Session to discuss the process for hiring a new Police Chief.
3. Additional Monthly Reports: There are additional monthly reports such as the Warrant List that should be placed with the materials for the Consent Agenda.
4. Additional Consent Items: There are two additional Consent Agenda items. The first accepts the resignation of the Council President from the Planning Commission. There is no backup for this item. The second reappoints Mr. John Sparvero to the Board of Directors of MRTSA. Mr. Sparvero's letter requesting reappointment is attached.
5. A new report for Action Item L should be placed behind that tab. This requests Council's approval to settle the Moss v. Borough/Madden/Mathis lawsuit and authorize the payment of our insurance deductible in the amount of \$25,000.

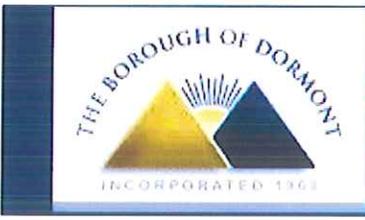
JN

Attachments

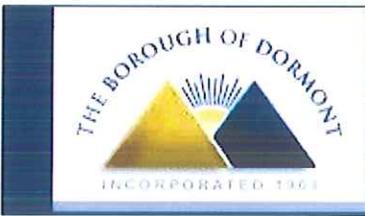


***REGULAR BUSINESS MEETING
DORMONT BOROUGH COUNCIL
DECEMBER 3, 2012***

1. Executive Session 6:00PM
 - A. Police Chief Selection Process
2. Call to Order 7:00PM
3. Pledge of Allegiance
4. Roll Call
5. Registered Comments from the Public
6. Comments from the Public on Agenda Items
7. Comments from the Mayor
8. Council President's Report
9. Consent Agenda
 - A. Motion to accept the written report of the Borough Solicitor.
 - B. Motion to accept the written reports of Borough Officials.
 - C. Motion to approve the Minutes of the November 5, 2012 Council Business Meeting.
 - D. Motion to approve the Warrant List for November, 2012.
 - E. Motion to approve Payment Application No. 2 and Final for Philip DePasquale through SHACOG in the amount of 1,981.62 for the Handicap Ramping Project – Phase 6.
 - F. Motion to approve Payment Application No. 1 and Final for Joe Palmieri Construction, Inc. through SHACOG in the amount of \$36,738.70 for the Handicap Ramping Project – Phase 7.
 - G. Motion to accept the resignation of Willard McCartney from the Planning Commission.
 - H. Motion to reappoint John Sparvero to the MRTSA Board of Directors.
10. Action Items
 - A. **Adopting the Fiscal Year 2013 Budget** – Motion to adopt the Fiscal Year 2013 Budget as presented to Council and the Public on November 14, 2012 – Finance and Legal Committee – Onnie Costanzo, Chairperson



- B. **Adoption of Ordinance 1595, Levying an Ad Valorem Real Estate Tax and Fixing the Tax Rate for Fiscal Year 2013** – Motion to acknowledge a revenue neutral tax levy for 2013 shall be equal to 100% of the millage produced by dividing \$3,638,365 by the total assessed value of taxable real estate in the Borough as finally certified by Allegheny County for Fiscal Year 2013, not to exceed a total revenue of \$3,638,365 and adopting a total millage rate for tax purposes in compliance with the Anti-Windfall Statute in the amount of 9.10 mills representing a 101.85% increase over the prior year real estate tax collection – Finance and Legal Committee – Onnie Costanzo, Chairperson
- C. **Approval of Resolution No. 21-2012 – FY 2013 Fee Schedule** – Motion to approve Resolution No. 21-2012 adopting a Fee Schedule for Fiscal Year 2013 – Finance and Legal Committee – Onnie Costanzo, Chairperson
- D. **Approval of Note Resolution for 2013 Tax Anticipation Note** – Motion to approve a Note Resolution and other required documentation for a Tax Anticipation Note for Fiscal Year 2013 in the amount of \$450,000 for 5 months at an interest rate of 1.80% - Finance and Legal Committee – Onnie Costanzo, Chairperson
- E. **Approval of Laborers Union Contract** – Motion to approve a six year contract with the Laborers Union Local 1058 retroactively to January 1, 2011 – Finance and Legal Committee – Onnie Costanzo, Chairperson
- F. **Adoption of Ordinance 1593, Temporary Special Event Signs** – Motion to adopt Ordinance #1593 to increase the allowable area for temporary special event signs and restrict them to one per property – Community Affairs/Recreation Committee – Jeff Fabus, Chairperson
- G. **Adoption of Ordinance 1594, Front Yard Fences** – Motion to adopt Ordinance #1594 to provide for greater flexibility in the placement of fences in the front yard – Public Safety/Public Service Committee – Joan Hodson, Chairperson
- H. **Authorization to Execute Agreement with Jordan Tax for Delinquent Claims Resolution** – Motion to authorize the Borough Manager and Council President to enter into an agreement with Jordan Tax Service to provide for a procedure for the collection of all delinquencies owed to the Borough – Finance and Legal Committee – Onnie Costanzo, Chairperson
- I. **Authorization to Execute Agreement with Espy Services for a Telecommunications Audit** – Motion to authorize the Borough Manager to enter into an agreement with Espy Services to audit the Borough's telecommunications services with fees to be paid from any credits achieved – Finance and Legal Committee – Onnie Costanzo, Chairperson
- J. **Authorization to Execute Agreement with Emergency Communications Network, LLC for Code Red Service** – Motion to authorize the Borough Manager to execute a renewal agreement with Emergency Communications Network, LLC for the Code Red emergency notification system renewing the agreement at a cost of \$3,763.80 per year for three years – Public Safety/Public Service Committee – Joan Hodson, Chairperson
- K. **Approval of Code Enforcement Officer Hiring** – Motion to approve the hiring of Monica Dahlkemper as Code Enforcement Officer at a salary of \$35,000 – Finance and Legal Committee – Onnie Costanzo, Chairperson



- L. **Approval of Lawsuit Settlement Agreement** – Motion to approve a settlement agreement with Wayde E. Moss and to authorize the payment of \$25,000 as the Borough's insurance deductible for this matter – Finance and Legal Committee – Onnie Costanzo, Chairperson

11. Discussion Items

- A. **Update on West Liberty Avenue Redevelopment** – Borough Manager
- B. **Update on Union Negotiations** – Borough Manager
- C. **Update on Voelkel Avenue Traffic Calming** – Borough Manager

12. Comments from the Public on Non-Agenda Items

13. Announcements

14. Adjournment

John P. Sparvero
1522 Grandin Ave
Dormont PA. 15216
412-531-5690
irsparvero@aol.com

To: Council President: Mr. Willard McCartney
Topic: Board of Director for MRTSA
Date: November 26, 2012
From: John P. Sparvero

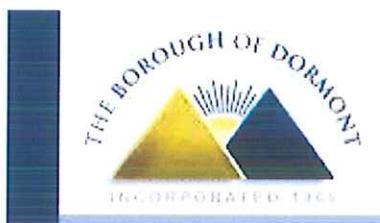
This is to inform council that my term of Board of Director for Medical Rescue Team South Authority will expire in the month of December, 2012. I'm applying for another term as Board of Directors for MRTSA.

I would greatly appreciate it if council would reconsider me for the position as Board of Director for MRTSA.

Sincerely,

A handwritten signature in blue ink that reads "John Sparvero". The signature is written in a cursive style with a long, sweeping underline.

John Sparvero



MEMORANDUM

Date: November 27, 2012

To: President, Vice-President, Council and Mayor

From: Jeff Naftal, Borough Manager *jn*

Subject: Settlement of Moss v. Borough/Madden/Mathis Lawsuit

Background:

On April 11, 2008, two of our officers arrested a resident, Mr. Wayde Moss at his apartment. Following that arrest, Mr. Moss alleged that he had been beaten by the officers after he was transported to the Police Department holding cell. In July, 2011, Mr. Moss sued the Borough and both officers. Our insurance company, Travelers, defended the Borough and the officers on this claim.

Discussion:

Since the lawsuit was filed, the discovery process has wound its course and the parties reached a stage where they either had to settle the complaint or proceed to trial. Because tapes from the video cameras in the department were not routinely retained in 2008, there was no tape of the incident and the jury was going to be told by the judge that the Borough had an obligation to retain that tape. Therefore, Travelers' solicitors advised there was a potential for an issue with the jury and that if a settlement could be achieved it would be better than proceeding to trial. This Monday, a settlement agreement was reached between Mr. Moss, Travelers and the judge who is presiding over the case. That settlement calls for the payment of \$25,000 to Mr. Moss in exchange for which he will dismiss his complaint with prejudice, meaning it cannot be brought up again and that the action brought against the Borough and our officers was groundless in the eyes of the law.

The insurance company has already expended over \$17,000 on legal fees and added to the \$25,000 settlement means the costs for this lawsuit will exceed \$42,000. We have a deductible on our insurance policy with Travelers of \$25,000 and so that is the limit of our liability on this case. Funds are available out of the unexpended balances in this year's budget. Payment will be made prior to the end of the fiscal year.

Recommendation:

I recommend that Council approve the settlement agreement with Mr. Wayde Moss and authorize the payment of our deductible to Travelers Insurance of \$25,000.

JN